

**IN THE HIGH COURT OF FIJI**  
**AT LAUTOKA**  
**CRIMINAL JURISDICTION**

**CRIMINAL CASE NO: HAC 105 of 2023**

**STATE**

**V**

**RAVI PRASAD**

Counsel: Ms S. Swastika for the State  
Mr S. Heritage with Ms F. Zahara for Defence

Date of Hearing: : 02 February 2026  
Date of Closing Submissions : 04 February 2026  
Date of Judgment : 18 February 2026

**JUDGMENT**

Introduction

1. The Accused is charged with one count of Rape Contrary to Section 207 (1) and (2) (a) of the Crimes Act 2009.
2. The Accused completely denies that any sexual intercourse occurred, let alone forceful sexual intercourse. The Defence raises a narrative that the rape allegation was fabricated. A complete denial of the alleged sexual intercourse means the Accused is

putting the Prosecution to the test of proving, beyond a reasonable doubt, that the sexual act occurred at all.

#### Information

3. The Accused is charged with the following information filed by the the Director of Public Prosecutions (DPP):

#### *Statement of Offence*

**RAPE:** Contrary to Section 207 (1) and (2) (a) of the Crimes Act 2009.

#### *Particulars of Offence*

**RAVI PRASAD** on the 11<sup>th</sup> day of June 2023, at Nadi in the Western Division, penetrated the vagina of **LAISA VEA TOGA** with his penis, without her consent.

4. The Accused pleaded 'not guilty' to the charge. At the ensuing trial, the Prosecution presented the evidence of the Complainant. At the close of the Prosecution's case, the Accused was put to his defence because there was *prima facie* evidence on each element of the offence to maintain the charge. Upon his rights in his defence being explained, the Accused elected to give evidence.
5. At the end of the trial, the Counsel from both sides tendered helpful closing submissions for which I am grateful. Having carefully considered the evidence and the submissions, I now proceed to pronounce my judgment as follows:

#### Burden of Proof

6. The Prosecution bears the legal burden to prove all the elements of the offence. That burden never shifts to the Defence at any stage of the trial. The Prosecution must discharge the burden of proof beyond a reasonable doubt. The Defence is under no obligation to prove the Accused's innocence or prove anything at all.

## Elements of the Offence

7. The Accused is charged with Rape contrary to Section 207 (1) and (2)(a) of the Crimes Act 2009 (Crimes Act). Section 207(2)(a) of the Crimes Act defines the offence of Rape as follows: a person rapes another person if the person has carnal knowledge with or of the other person without the other person's consent. In the context of this case, carnal knowledge means vaginal sexual intercourse. The Prosecution alleges that the Accused penetrated the vagina of the Complainant with his penis without her consent.
8. According to Section 206 of the Crimes Act, the term 'consent' means consent freely and voluntarily given by a person with the necessary mental capacity to give the consent. The submission without physical resistance by a person to an act of another person shall not alone constitute consent. A consent obtained by force, threat, or intimidation, etc., will not be considered as consent freely and voluntarily given.
9. To establish the fourth element of Rape, the Prosecution must prove that the Accused knew or believed that the Complainant was not consenting or that he was reckless as to whether the Complainant was consenting or not.
10. I shall now summarise the salient parts of the evidence led in this trial.

## Summary of Evidence

### Evidence for Prosecution

#### PW-1 Laisa Vea toga (Laisa) -The Complainant

11. Laisa (26) is married with a nine-month-old baby boy. When asked at the outset how she was feeling, Laisa stated that she felt emotionally hurt and had been waiting for this day.
12. In June 2023, she was residing in Korovuto in a rented house. She had been working at Bula Water Park, Denarau, as a pool attendant.

13. On 10 June 2023, while Laisa was at work, she received a call on her mobile number from a man who identified himself as Ravi. He said he had picked her up one afternoon and dropped her at Korovuto after she got off from work. She was sure it wasn't her, and her friend had used her phone to call him. So, she informed Ravi, *'It wasn't me. I think you misunderstood. I haven't met an Indian man named Ravi; I used to go by bus, not by car.'* But Ravi kept on insisting and said, *"No, No, it's you."*
14. Laisa then came back from work and joined her friends to drink kava at Jojo's around 7 p.m. Whilst at Jojo, she received another call from Ravi asking if she could come to Nadi Main Street, opposite ANZ. He insisted that *"If you see me, then maybe you can recall the day I dropped you"*. She told her friends that she had to go and see a friend and went opposite ANZ, where she saw this person inside a car wearing a black hoodie.
15. She was told to get in the car because someone would see them. She didn't want to sit in front, she just sat at the back. Upon seeing him, she was assured that she had never met him before. He also confirmed that she was not the person he had dropped off at Korovuto. He then offered her two shots of rum. Ravi was also drinking with her in the car. After drinking and talking with Ravi for five minutes, she said she wanted to go back to her friends to drink kava. She thanked Ravi and went back to drink kava at Jojo's with her friends.
16. After 10 p.m., Ravi called her again. He invited her to finish his whiskey. She agreed as she just wanted to drink. She met Ravi at the FNPF plaza in Nadi, where she was asked to get into his car to drink. They were drinking while he was driving. She said drinking in the car was risky. So, she invited him to where she was renting in Korovuto. It was safer as the landlord was nearby and also near his place in Malolo. She had only one shot of rum before reaching the flat in Korovuto.
17. Upon arriving at her flat around 11 p.m., she changed and started drinking. After finishing the bottle of rum, they drank the Chinese whiskey she had in her flat. Most of the time, he didn't drink. By mixing things (rum and whiskey), he was only offering her to drink. She didn't feel like drinking anymore, even before the whiskey was finished. Once she was done, she wanted to lie down and sleep. She had drunk kava, rum and whiskey. She was drunk. She told him that she needed to have some rest because she had to go to work

at 8 a.m. She crawled down to her bedding and lay down. She said to him: *“If you get sober, you can rest for a while, and then you go. Just pull the door once you're on your way to Malolo”*.

18. She fell asleep and woke up around 2- 3 a.m. when she felt a pain in her vagina. She saw Ravi on top of her without any clothes. She too was not wearing any clothes. She tried to push him several times, but he was holding her tightly. He was on her vagina, penetrating her, pulling her up and down for a few seconds. She was shivering and crying. She tried to push him, but he was so strong. After some time, he stood up. She also stood up and went near the kitchen, where the light was on. He followed her, saying, *“Tukivinaka, come, we do it some more”*. The bed sheet was covered with blood. She touched her vagina, and he also touched her vagina and realised it was blood. When he was penetrating her vagina, she lost her virginity. She said, *“I just lost something that I won't get back”*.
19. She hated him and regretted bringing him home. She didn't know that he was going to do that to her. They drank together as friends. She told him to leave. When he left, she closed the door and came back to sleep. That door has a nail with it. She just pushed and nailed it. She cried on top of her bed. In the past, she had brought friends home in groups, but no one did that to her.
20. She didn't wake up that morning by herself. She was shocked to see Ravi again lying down beside her when she woke up. He said, *“why are you still sleeping? I called you several times, but you didn't pick up”*. She saw 8 missed calls on her phone. He said, *“I came since you told me that you're going to start today at 8 o'clock”*.
21. It was nearly 8 a.m. She had to come from Korovuto to Denarau for work. She woke up and had a shower. He said, *“I'm going to drop you”*. She said, *“no, no, I'll go by myself”*. He said, *“No, you don't do that. I'll drop you off because you're almost late for work”*. He picked her up from there and dropped her at Denarau. On the way, he was asking for forgiveness. He said, *“I have a family of two kids. This is between you and me”*.
22. She was not feeling well at work and wanted to go home during her lunch break. She asked her supervisor if she could go home early. The supervisor noticed the love bites on

her and joked, “*Why? Just because of the thing on your neck, that's the reason you want to go?*” She said, “*I just don't feel good*”. She went home during lunch break. From there, she packed her things and left for Sabeto, where her brother lives.

23. She didn't want to stay in Korovuto anymore because Ravi knew where she was staying. She didn't go back to work from the day she left. Ravi knew where she was working. She stayed with her brother for one month. She didn't want to see Ravi again. When she tried to resist him, he was still bugging her, wanting her to have sex with him. He kept on calling her. It was disgusting for her to hear him. She gave so many excuses, like the rent was not paid. He offered a house for them to meet and money to pay the rent. He even offered to take her overseas with him.
24. She refused to accept any of those and reported Ravi to the police in July 2023. She took time because she feared the consequences, and she concluded that this issue was not a priority for her. She thought that if she reported the matter, everyone, including her family, which has 10 siblings, younger than her, would come to know about the incident. They would hate her if they heard this.
25. Her priority was to complete her education. She got registered with FNU for four units of LLB. During COVID, she was locked down in Suva, and her account was on hold. She had a hard time in Suva, so she came to Nadi looking for work to pay for her hold and go back to school, which was her priority. This issue was not a priority for her.
26. She did not call the police on the day it happened because she was emotionally hurt. She needed time to think and went to Sabeto for good. Her brother asked the reason why she was not going back to work. She lied and complained about the transport issues. She started working at Votualevu New World supermarket in July (2023). Ravi found out that she was working at New World when she accidentally boarded a minivan that Ravi was driving. He kept coming to her workplace thereafter.
27. After she reported the matter, the police brought Ravi to the police station in Nadi. He approached her and offered \$ 500 to reconcile the matter, to which she did not agree. He kept coming to New World where she worked even after the complaint was lodged. She

could not prevent him from coming to the supermarket. On 27 October 2025, she resigned from work because she did not want to see him again.

28. Under cross-examination, Laisa denied that, after the first call she received from Ravi, she had been calling his number and giving him callbacks, wanting him to pick her up and drop her at work at Bula Water Park. She admitted that, despite him being a total stranger, she agreed to meet him at ANZ, boarded his car, and drank rum he offered. She admitted that she was taught to protect herself by not accepting things from strangers. She boarded his car and drank alcohol because he was insisting. She agreed that she referred to Ravi as a friend. He was referred to him as a friend because she could not tell her friends that she was going to meet an Indian fellow named Ravi. She denied telling Ravi that she was going to call him at 10 o'clock so he could come and pick her up. She agreed that she met Ravi the second time on 10 June 2023 because she gave him a call-back message. She agreed that she had the opportunity to refuse Ravi's invitation to board his vehicle and the drinks he offered. She agreed that her landlord and his daughter were on the other side of her flat when the alleged incident occurred.
29. At one point she agreed that she also had some alcohol at Jojo's place with her friends and then denied. She admitted telling Ravi on the way to Korovuto that she had Chinese whiskey and Sprite at her place. She agreed that once the door was locked, it could only be opened from the inside. But the door was closed with a nail. That nail can easily be pushed. She admitted that despite hating Ravi, she still went in his vehicle that morning after the alleged rape.
30. She once said that she 'shared' when it was put to her that never complained to her supervisor. Then she clarified and maintained that she never shared with the supervisor.
31. She denied demanding and accepting \$75 from Ravi that morning. She denied that she was terminated from Bula Water Park on 11 June 2023. She denied demanding \$160 to pay rent at Korovuto. He denied demanding \$500 at the police station to withdraw the complaint. She had no knowledge that there had been a bail condition barring Ravi from contacting her.

32. Under re-examination, Laisa again explained the reason for the delayed complaint in the following terms: *“He had been calling me. I remember blocking his number, but again he called me, and it was still the same person, Mr. Ravi. So, I went on and reported him because whatever he said - “I just wanted to see you”. I can pay the rent at Korovuto, and we can stay there”. I said, I'm not working, but he said I can do anything. I'm about to go to Australia, and I can take you with me. So, he just disgusts me. I don't want to hear anything from him. That's the reason I reported”.*

#### Evidence for Defence

##### DW-1 Ravi Prasad (The Accused)

33. Prasad testified that he has been living at Malolo, Nadi, for 22 years. He is a father of two children. He came to know Laisa when she took a job from her friend Sia at a Supermarket in 2023.
34. He received a missed call on his phone and called the same number the next day. The recipient identified herself as Toga from Korovuto. Toga said that Sia was her friend. After that day, Toga would buzz him, and he would call her back.
35. In one such call, Toga asked him to pick her up around 7 p.m. on 10 June 2023 from ANZ Nadi. He went to ANZ at 7 p.m. and called her. She came near his car and said she was attending a birthday party and would buzz him around 10 or 10.30 p.m. to be picked up. He received a call-back message indicating she was ready to be picked up.
36. Toga came to the car and sat in the front seat. She smelled of liquor. He was asked to drop her off at her house in Korovuto. On the way, she said she had two bottles of Chinese wine and invited him to have drinks together. He accepted the invitation and went to her room, where they drank Chinese wine, which she was mixing with Sprite. While drinking, she said she was having problems at her workplace. After finishing drinking, around 1:30 a.m., he went out, and she locked the door from inside the house. Before leaving, she told him to pick her up and drop her off at her workplace.

37. He returned the next morning after 8 a.m. and knocked on her door. She unlocked the tower bolt and opened the door. She was up and ready to go to work. On the way, she borrowed \$75 to pay her rent. She used to call him and send him callback messages, which he responded to. One day, she said she had been terminated and she asked for \$160 to pay her rent. He refused to give money because she had failed to settle the \$75 she had borrowed. She repeated the same request after 2-3 days. When he was arrested and brought to the Nadi Police Station, Toga approached him and offered to withdraw the complaint and settle the matter if he gave her \$500. He asked her, "*What case are you talking about when I haven't done anything wrong?*" When he refused to give money, she reported the matter to the police. She has made up this allegation because he didn't give her money.
38. Under cross-examination, Ravi agreed that ANZ Nadi and Jojo's are situated within walking distance. He agreed that the conversation about picking her up at 10 p.m. could have happened on the phone, but she said she had no credit on her phone. He agreed that it was he who had called her to meet him, as he wanted to see if this was the same person who had been talking to him on the phone. When he met her, he found out that it wasn't the same person who was on the phone with him. He admitted that, at Toga's place, it was he who was mixing the Chinese wine. Before he reached Nadi Police Station, he knew what he was being arrested for.

#### Evaluation/ Analysis

39. The Complainant says that the Accused penetrated her vagina without her consent while she was asleep. The Accused vehemently denies that he had sexual intercourse with the Complainant. He says that the Complainant lied in Court and made up the allegation because the Accused refused to give the money that she demanded.
40. The case turns on one word against the other. However, the Prosecution must prove beyond a reasonable doubt that the Complainant told the truth in Court. While no corroboration of the Complainant's evidence is required to prove a sexual offence, the Court must be cautious in its evaluation and make every effort to ensure that the truth prevails. Having considered all the evidence led at the trial and observed the demeanour

of the witnesses, if a reasonable doubt is created in the mind of the Court as to the credibility of the Complainant, the benefit of that doubt must be given to the Accused.

41. Let me first examine the testimony of the Complainant. The Complainant maintained that the Accused was a total stranger when she met him around 7 p.m. on 10 June 2023 near ANZ Nadi. The Defence's version was that they had known each other before. This was premised on the Complainant's reference in her evidence to the Accused as a 'friend' when she left the kava session to meet the Accused and her admission that she had call-back messages from the Accused on her phone.
42. It was argued that the Complainant would not have got into the Accused's car, consumed the alcohol he offered and invited him to her flat if he were a total stranger to her. The Complainant clarified that she did not call or message the Accused before 10 June 2023. She explained that she referred to the Accused as 'just a friend' because she could not tell her friends that she was going to meet an Indian fellow named Ravi.
43. In his evidence, the Accused admitted that, after seeing a missed call on his phone, he had called the Complainant, asking her to meet him, as he wanted to see whether this was the same person who had been talking to him on the phone. The Accused apparently arranged the first meeting on the premise that the missed caller was the one he had picked up the other day. When he met the Complainant, he found out it wasn't the same person who had been on the phone with him. Apparently, the missed call on the Accused's phone had not been made by the Complainant, but by someone else, whom the Accused believed to be one Sia.
44. Under examination-in-chief, the Complainant did not say that she felt unsafe when she was with the Accused. It was submitted that she felt safe being with the Accused because she had known the Accused before. Defence argument emphasises that because the complainant and the Accused were known to each other, the Complainant felt comfortable or "safe" being in the Accused's company.
45. Certainly, the Complainant drank alcohol and invited the Accused to her flat because she trusted him. That does not conclude that she had known the Accused before. The fact that a Complainant trusted the Accused enough to invite him to her flat does not necessarily

establish a long-standing prior relationship. Trust-building speed varies greatly, acting as a gradual process built through consistent, reliable actions, or sometimes appearing instantly based on initial rapport. It is generally nurtured through demonstrated competence, character, and care, though individual experiences and personality factors can make it a slow process for some and instantaneous for others.

46. There is no credible evidence that the Complainant and the Accused were previously known to each other. I accept the Complainant's evidence that the Accused was a total stranger to the Complainant when she met the Accused at ANZ Nadi on 10 June 2023.
47. If the Accused was previously known to the Complainant, as the Defence contended, the Court has no difficulty in comprehending the Complainant's conduct in getting into the Accused's car, drinking alcohol he offered and inviting the Accused to her flat. However, her insistence that the Accused was a total stranger requires a plausible explanation from the Complainant as to why she conducted herself in the manner she did.
48. Does the admission of the said behaviour make the Complainant an untrustworthy witness? She described the circumstances under which she boarded the Accused's car. Despite her denial over the phone that it was she whom the Accused had picked up, the Accused continued insisting that it was her and that he wanted her to be present at ANZ Nadi for verification. When she arrived near the Accused's car, she would not have made him out from outside, as the Accused had been wearing a hoodie that night. She was told to get into the car quickly to prevent anybody from seeing them. When she got into the car, he admitted that he was mistaken.
49. The Complainant frankly admitted that she could have refused to board the car and drink the alcohol the Accused offered. It is not uncommon in Fiji, where Hitchhiking is common, for a girl to get into a stranger's car. Therefore, I have no valid reason to disbelieve the Complainant when she said that she boarded the Accused's car in the circumstances she described, despite the Accused being a total stranger.
50. It is also not uncommon for Fijian girls to drink with strangers. The Complainant had been in the middle of a Kava session when she first arrived to check on the Accused. Once she boarded the Accused's car, she had no option but to drink alcohol because he

was insisting that she drink despite her knowledge from her childhood that accepting things from strangers was not safe. When she was offered a shot to celebrate their friendship, how could she refuse? After drinking two shots, she politely thanked the Accused and rejoined the kava session with her friends.

51. The Complainant frankly admitted that she accepted the Accused's invitation to finish his whiskey when she received another call from the Accused after 10 p.m. She boarded his car because she just wanted to drink (perhaps to 'wash down' kava). She drank one shot that was offered to signify their friendship. She thought drinking while driving was unsafe. That's why she invited him to her flat, which she thought was safer as her landlord lived nearby and it was also near his place in Malolo. The explanation for the Complainant's conduct is not unrealistic or unreasonable.
52. The Defence's claim that the Complainant, in her evidence-in-chief, suppressed that she had Chinese whiskey in her flat is not factually correct. She, in fact, disclosed in her examination-in-chief that she had Chinese whiskey at home. Even the Prosecutor questioned the Complainant on that basis.
53. The Complainant admitted inviting the Accused to her flat to drink, but she never expected him to do that to (rape) her. An invitation to drink—whether at a bar, a party, or someone's home—is a social invitation, not an agreement to engage in sexual activity.
54. The Defence further contended that the Accused couldn't enter her room when the door was locked from the inside. She did not say she locked the room from the inside. What she said was that when the Accused left, she closed the door and came back to sleep. That door has a nail with it. She just pushed and nailed it. When she crawled down to the bedding after being drunk, she had told the Accused: "*Just pull the door once you're on your way to Malolo*".
55. Under cross-examination, the Complainant admitted that once the door is locked, it could only be opened from inside. But the door was not in fact 'locked'. It was closed with a nail. The nail can easily be pushed.

56. I agree with the Defence that the Complainant could not have known how the Accused entered the room (around 8 a.m.), as she was fast asleep. However, her evidence appears to be based on her knowledge and common sense. She described how the door was closed. She knew how easily it could be opened. She found the Accused lying beside her when she woke up. Based on this knowledge, the only inference she could have drawn was that the Accused had entered the room by pushing the door.
57. It was contended that the Complainant would never have accompanied the Accused to her workplace if he raped her. This contention is based on the idea that a rape victim behaves in a certain way. The Complainant explained why she had to go to work with him. When she woke up around 8 a.m., she was shocked to see the Accused in the flat. She was already late and had to come from Korovuto to Denarau for work. Still, she refused to go with him and wanted to go by herself. He insisted, “*No, you don't do that. I'll drop you off because you're almost late for work*”. Survivors of sexual assault may interact with the offenders post-assault within various contexts. It is not unusual for victims to maintain contact with their abusers even though they hate the abuse.
58. After the alleged incident, the Complainant had not cried rape and not promptly complained to anybody, including her landlord, her supervisor, her brother or the police. She had complained to the police approximately one month after the alleged incident. She admitted that she had ample opportunity to complain to the police before.
59. The Defence contended that the Complainant did not cry rape, and she made no prompt complaint to anybody because she was never raped. This contention is based on the historical myth that rape victims always make a hue and cry and complain to someone. Not every victim of sexual assault would complain to the first person she/he sees due to fear of retaliation, not being believed, blaming themselves, or the trauma of the event. Therefore, the Court should not jump to the conclusion that the Complainant was never raped merely because she failed to raise a hue and cry or complain promptly. The Court should examine the explanation the Complainant provides for her conduct.
60. The Complainant explained why she did not complain promptly and why she eventually reported to the police after one month. She said that she was emotionally hurt, and she needed some time to think; she feared the consequences. She thought about her family,

which has 10 siblings younger than her, whose parents were separated. She was concerned that if reported, everyone would find out what happened, and they would hate her. The Accused had asked for forgiveness, saying that he had a family of two kids. He also said, *"This is between you and me"*. Having considered everything, she concluded that this issue was not a priority for her. Her priority was to earn some money to complete her education, which had been put on hold during COVID.

61. Under re-examination, the Complainant described what prompted her to report the matter eventually to the police. She didn't want to stay in Korovuto anymore because the Accused knew where she stayed. She didn't go back to work because the Accused knew where she worked. She didn't want to see the Accused again. To escape the Accused, she stayed with her brother in Sabeto for one month. When she tried to resist him, he was still bugging her, wanting her to have sex with him. He kept on calling her even after she blocked him. When the Accused found out that she was working at New World, he kept coming to her workplace. It was disgusting for her to hear him. Having refused the money and the overseas tours the Accused offered, she finally made up her mind to lodge a complaint. The reasons for the delayed complaint are justified and reasonable. I reject the contention that the belated complaint signifies a false complaint.
62. The Complainant said that the Accused kept coming to the supermarket where she worked and tried reconciling with her even after the complaint was lodged. The Accused denied this, and the Defence argued that, given the bail conditions on him, she could have reported him to the authorities if he had interfered.
63. However, there is no evidence that the bail conditions were communicated to the Complainant. She said that she had no knowledge that there had been a bail condition barring the Accused from contacting her. Since she could not prevent the Accused from coming to the supermarket, she left her job in October 2025. Her failure to report promptly does not prove that she was lying or that she was not raped.
64. It was argued that if her priority were to earn money and complete her education, she would never have left her work and her abode in Korovuto. She explained that she left when she felt insecure after being raped. The priorities keep changing as the

circumstances change. Her conduct is quite natural, and it exemplifies the trauma after the assault.

65. The Complainant's evidence was that after being raped, she could not finish the day at work and that she went home during the lunch break, never to return. She then packed her bags and left the flat for her brother's house in Sabeto for good. The Defence did not challenge this part of her evidence. It asserted that she vacated the flat because she could not pay the rent, and that she was terminated from her job.
66. The Complainant flatly denied those claims, which were unsubstantiated. Her relocation to Sabeto and leaving her job soon after the alleged rape signifies that she was in trauma, which is consistent with the rape allegation.
67. The inconsistencies highlighted by the Defence are not material to the real issues at the trial. Let me comment on some of those. She first admitted to consuming alcohol at Jojo's kava place, which she denied later. This inconsistency is not material enough to reject her evidence. The fact that she consumed alcohol at Jojo's does not affect the credibility of the Complainant as far as the charged offence is concerned.
68. When it was put to her that she never complained to her supervisor, she accidentally said she 'shared'. However, she clarified and maintained that she had not complained to anyone until she lodged the complaint with the police. She added that she could not share the incident with the supervisor as it was personal.
69. I closely observed the demeanour and disposition of the Complainant in Court. She was straightforward and not evasive. I am convinced that she was telling the truth in Court. Her demeanour is consistent with that of an honest rape victim.
70. The Accused denied the allegation and maintained that the Complainant fabricated it because he had refused to give her \$160 to pay the rent. The Defence's version is not appealing to me. However, the fact that the Accused is not considered credible by the Court does not automatically make him guilty; the Prosecution must still prove all elements of the charge.

71. After vacating her flat on 11 June 2023, the Complainant would not have wanted money for rent. It is hard to believe that she fabricated such a serious allegation against the Accused merely because he had refused to give her \$160. She had come all the way from Suva to earn money to complete her degree, which was her priority. In such a situation, she would not easily give up her employment without a cogent reason to do so. I am sure she made this serious allegation against the Accused because she was raped.
72. The Accused said that he refused to give \$500 the complainant demanded at the police station, because she knew nothing about the allegation against him. However, the Accused admitted that the police had informed him of the allegation on his way to the police station. Despite knowing the allegation, he asked the Complainant, "*What case are you talking about when I haven't done anything wrong?*"
73. There is no dispute that a conversation took place between the Complainant and the Accused at the police station. According to the Complainant, in that conversation, it was the Accused who had offered her \$500 to reconcile the matter. The Accused said the Complainant pressed the charge against him only because he refused to give her \$500.
74. There is no logic in the Accused's claim, as the Complainant had already lodged a report by the time they had met at the police station. It is implausible that she demanded money after making a false complaint to put herself at risk of being prosecuted. I accept she told the truth.
75. There is no dispute that the Complainant and the Accused met each other near ANZ Nadi around 7 p.m. The Accused's explanation was that he went there because he had received a call from the Complainant asking him to pick her up. However, by that time, she was already in a kava session with her friends. If she wanted him to pick her up at 7 p.m., she could have called or messaged him, telling him the exact time she wanted to be picked up. I prefer the Complainant's explanation that she was lured into his car on the pretext that she was the one whom he had picked up the other day.
76. I accept the version of events of the Prosecution's case and reject that of the Defence.

77. I am sure the Accused penetrated the vagina of the Complainant without her consent. He mixed rum with whiskey<sup>1</sup> and offered the drinks to the Complainant to ensure that she got intoxicated and boozed<sup>2</sup>. When she fell asleep with the booze, he knew she could not consent to sexual intercourse. The Accused took advantage and penetrated the complainant with his penis knowing that she was not consenting. On the evidence of the Complainant, which I accept, the Prosecution proved all elements of Rape as charged beyond a reasonable doubt.

78. The Accused is found guilty of Rape as charged. He is convicted accordingly.



A handwritten signature in black ink, appearing to read "Aruna Aluthge", with a long horizontal stroke extending to the right.

Aruna Aluthge

Judge

18 February 2026

At Lautoka

Solicitors:

Office of the Director of Public Prosecutions for the State  
Iqbal Khan & Associates for Defence

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<sup>1</sup> Mixing strong drinks specifically to ensure someone becomes "boozed" is a tactic used to overcome resistance and remove the ability to refuse.

<sup>2</sup> If a person is so intoxicated that she/he cannot understand the nature, fact, or extent of a sexual situation, she/he is incapable of giving legal consent.